

**HAINES BOROUGH ASSEMBLY MINUTES
REGULAR MEETING #27
SEPTEMBER 18, 2003 - 6:30 p.m.**

1. Call To Order

2. Pledge To Flag

- 3. ROLL CALL Present:** Mayor Mike **CASE** and Assembly Members Chip **LENDE**, Jerry **LAPP**, Stephanie **SCOTT**, Lucy **HARRELL** and Debra **SCHNABEL**. **Absent:** Douglas **OLERUD**

Staff Present: Julie **COZZI**/Borough Clerk, Keith **BETTRIDGE**/Borough Manager, Greg **GOODMAN**/Chief of Police, Robert **VENABLES**/Economic Development Director, and Cynthia **JONES**/Museum Curator.

Visitors Present: Dave **NANNEY**, John **VENABLES**, and Joseph **ADAMSON**.

4. APPROVAL OF AGENDA/CONSENT AGENDA:

M/S **LENDE/SCOTT** Motion to approve the Consent Agenda.

Mayor **CASE** announced that the Haines Amateur Skateboard League has postponed their presentation.

The Motion carried unanimously.

*** 5. Minutes Of Previous Meetings: September 3, 2003 Regular**

6. Audience Participation/Appearance Requests:

Mayor **CASE** opened the audience participation portion of the meeting at 6:36.

Robert **VENABLES** spoke concerning SE Conference: Kudos to Michelle **GLASS** and Lisa **HERZINGER** for their work. He was asked to be the second vice president for SE Conference, and in two years, he will likely be the president. He also distributed a STIP document to the Assembly members and drew their attention to it. He asked them to provide further direction before he sends it to Andy Hughes, the planning officer for the Southeast Alaska projects. The Assembly had no objection to it.

7. Mayor's Comments/Report:

SE Conference - a success. People were effusive about Haines, and it was a great economic benefit. Some discussion and a little controversy, as well.

Planning Commission - positions have been advertised, and only one letter has been received; Lee **HEINMILLER**. Next week, on the 24th,

the review on the Titles 1 & 2. Also, be thinking about getting a strategic planning session going.

Gustavus wants to incorporate as a City and has asked for a letter of support. He asked the Assembly if they had any objection. There was none, so the Mayor will write a letter.

8. Public Hearings:

**A. Proposed New Commercial Tour
Educational Travel & Tours - Alaska**

Owner-operator, John Venables, Proposes To Conduct 90-Minute Walking Tours In The Downtown Business District Near Three Local Museums Including Historical Interpretive Presentations. No Vehicles Are Involved.

Mayor **CASE** opened and closed the public hearing at 6:42; there was no public response.

M/S **HARRELL/LAPP** Motion to approve the tour.

SCHNABEL asked **VENABLES** to clarify the transaction location. "It does not appear to have a place of business." **SCOTT** asked how the tour will be marketed. **LENDE** said that Code prohibits solicitation on public property and asked **VENABLES** how people will sign up for his tour. **VENABLES** attempted to answer the questions and explain his tour. Mayor **CASE** told **VENABLES** that he needs to "flesh out (his) idea a little more." He suggested tabling the tour permit approval until **VENABLES** can prepare more information. The Assembly did not object. **LENDE** suggested that staff determine questions to be answered, including one that would ask the location of tour sales. **HARRELL** said that **VENABLES** needs to have an itinerary and a route. She also suggested that the transaction could possibly occur at the first museum on the route since the \$15 tour fee covers the museum admissions.

M/S **SCHNABEL/LENDE** Motion to table the tour permit approval until Mr. **VENABLES** presents more details regarding marketing and selling plans.

The Motion carried unanimously.

**B. Proposed New Commercial Tours
Alaska Ecommerce Online - Dave Nanney, Consultant**

Dave Nanney Proposes To Broker Year Round Tours And Visits To The Kroschel Films Wildlife Park For Independent Visitors. No Cruise Ship Passengers Or Public Parking Areas Are Involved.

Mayor **CASE** opened and closed the public hearing at 6:40; there was no public response.

M/S **SCOTT/LAPP** Motion to approve the tour permit request.

SCHNABEL said that "the Code may have to be revised so that those who are simply brokering or selling someone else's tour do not have to get a permit." **LENDE** said there could be a case in the future where the Borough might want to look at permitting a broker: independents selling on the dock. An individual would need to be permitted to occupy a public location to sell. **SCHNABEL** said that she does not believe **NANNEY** needs a tour permit if he is just brokering.

The Motion was withdrawn by **SCOTT/LAPP**.

LENDE said that "whoever picks up the people to take them to the Wildlife Park will have to have the permit to conduct the tour." **SCHNABEL** asked **NANNEY** who owns the tour. **NANNEY** responded that he does---all communications and all selling and coordinating. He just uses someone else for transportation. **LENDE** said that "this is not truly brokering then." **SCOTT** said that ownership can be determined by looking at the liability. "In this case, Mr. **NANNEY** is involved in the liability issues of the tour and probably needs a tour permit after all." Mayor **CASE** asked the Assembly what they would require of **NANNEY**. **SCOTT** said that she would have to ask how he would be providing transportation and to provide those permitted documents. **LAPP** asked if **NANNEY** can switch to different transportation providers and use anyone he wants to. **NANNEY** clarified that he would like to use Chilkat Cruises sometimes, Alaska Nature Tours and others. He would "only use permitted shuttles because of the liability questions alone." **SCOTT** said that **NANNEY** would have to take responsibility for being aware of the permit status of the "sub-contractors."

M/S **SCHNABEL/LAPP** Motion to approve the tour permit.

The Motion carried unanimously.

**C. Ordinance NO. 03-09-029
(Second Public Hearing)**

An Ordinance Of The Haines Borough, Appropriating A \$14,300 Grant From The State Of Alaska, Department Of Community & Economic Development, Division Of Community Advocacy, Alaska Coastal Management Program To The Fy03/04 Budget, And To Move Line Items In the Fy03/04 Budget For The Required 50% Match.

Mayor **CASE** opened and closed the public hearing at 7:25 p.m.; there was no public response.

M/S **LAPP/HARRELL** Motion to adopt the ordinance.

The Motion passed unanimously on a roll call vote.

**D. Ordinance No. 03-09-030
(Second Public Hearing)**

An Ordinance Of The Haines Borough, Appropriating A \$13,170 Grant From The State Of Alaska, Department Of Community And Economic Development, Division Of Community And Business Development, Capital Matching Grants Program To The Fy03/04 Budget (Carried Forward From Fy02/03), And To Budget The \$2,687 Required Match.

Mayor **CASE** opened and closed the public hearing at 7:27 p.m.; there was no public response.

M/S **HARRELL/LAPP** Motion to adopt the ordinance.

The Motion passed unanimously on a roll call vote.

9. Reports Of Borough Officers/Department Heads:

A. Borough Manager - BETTRIDGE provided a verbal report:

Comprehensive Plan - This is a Charter mandate for the Planning Commission. The Borough has signed a DCED (Dept. of Community and Economic Development) contract that will fund the Sheinberg proposal.

Animal Control Services - Interviews have taken place with the four that submitted proposals, and a decision will be made in the next few days.

Former Library Remodel - As soon as plans are sent to Rural Development and the Manager hears from them, the Borough can proceed with advertising for bid proposals. Costs are estimated at \$133,800 + another \$4,000 for phone/network installation.

B. Borough Clerk - COZZI provided a verbal report about the upcoming municipal elections.

C. Borough CFO - NONE

D. Economic Development/Tourism - NONE

E. Police Chief - WRITTEN

F. Library - WRITTEN

G. Museum - JONES provided a verbal report of current activities and projects.

H. Public Works - NONE

I. Water/Sewer - NONE

J. Fire/EMS - NONE

K. Harbors - NONE

10. Bids/Proposals Received:

Construction of Tlingit Park Restrooms

BETTRIDGE reminded the Assembly that they authorized him at the previous meeting to negotiate with Stickler Construction, the low bidder. The original bid was just over \$71,000. The final

negotiated price is \$57,818. The Assembly can consider withdrawing the requirement to have a payment and performance bond saving an additional \$1,410. The Grantor only requires the bond if the project exceeds \$100,000.

M/S **SCHNABEL/LAPP** Motion to approve the negotiated bid minus the bond.

SCOTT asked how the Borough plans to come up with the difference between the \$50,000 grant monies and the bid amount. **BETTRIDGE** said that there is sufficient prior year fund balance to cover it. **HARRELL** pointed out that "there is about \$30K that the Women's Club has in a Tlingit Park account through the Tlingit Park Committee to cover the difference."

M/S **SCOTT/LENDE** Motion to amend the original motion to accept the bid and to use the \$50K of grant monies for it and the difference to come from the Women's Club Tlingit Park Committee and to remove the payment and performance bond requirements.

The Motion carried unanimously on a roll call vote.

11. Expenditure/Grant Approval Request(s):

A. Grant for Haines Police Department - COPS in Schools award for one new, full-time officer at an estimated cost of \$125K.

M/S **LAPP/SCHNABEL** Motion to accept the grant and the conditions that go with it.

SCHNABEL said she believes it is a well-intentioned program and could be good, but wants to see the School Board support it if the Assembly does. She pointed out that the grant program reporting is identified as a Police Department task and asked **GOODMAN** why the school wouldn't be doing the reporting? **GOODMAN** responded that it is a grant requirement but agrees that it would be important to sit down with school officials prior to producing the reports. **SCOTT** said that she has been supportive of the program since the outset, but her problem is that it commits the Borough to funding a 6th member of the police force in the 4th year. **LENDE** said that before the Assembly approves it he would first like to get the consensus of the school board. **HARRELL** said that she "had a chat with Woody **WILSON**, and he was strongly supportive of it. He and Charlie **JONES** had many discussions about the different ways they could use this officer, including the DARE program." **LENDE** said that he has no doubt that the administration is interested but wants the school board to decide. **SCHNABEL** pointed out that there is 90 days to respond to the grant award so there is time to go to the school board.

Mayor **CASE** said that the Grantor requires the Borough to pay for the officer partially in the 3rd year and entirely in the 4th year. **SCOTT** said that she thought there was a stipulation in the

grant that the Borough could not use the Cops in Schools program to reduce the police force. **GOODMAN** confirmed **SCOTT**'s statement. He said that the Borough "cannot fill one of the other police officer positions with the grant money or what was left of the grant funds would have to be returned to the Feds." He also pointed out that the DARE program will go on whether or not the grant is accepted by the Assembly.

SCOTT said that she "is concerned about committing the funds in the 3rd and 4th years." **SCHNABEL** said that "five police officers have been budgeted for over time without having all positions filled; there are sufficient reserves." **SCOTT** wondered if "what we are saying is that more important than having 24-7 coverage in the Townsite Service Area is to have a law-enforcement officer dedicated to the schools." She said her understanding is that a 5-person police force is necessary to provide 24-7 police coverage in a community this size. **CASE** said that "one way to look at it is that it would cost slightly over \$13K a year out of our budget to get the person in the schools." **SCHNABEL** asked **GOODMAN** to react to the Assembly's discussion regarding funding only 4 officers. **GOODMAN** responded that he "would rather see the five on the street; it's a quality of life issue. It is hard to work with fewer." He agreed that the money issue is important and does not want to downplay it. **LAPP** asked **GOODMAN** if there anything that prohibits him from using the school officer for other things. **GOODMAN** responded that the grant requires 75% of the duties to be school-related. Mayor **CASE** asked what the typical overtime is during a summer. **GOODMAN** said that it has been "about 40-50 hours total per pay period." **CASE** asked for the average staffing, historically. **GOODMAN** said that in the 13 years that he has been here, only the first five were fully staffed. Since then, the turnover has gotten worse. Mayor **CASE** suggested the possibility that using the school officer just in the summer for 15 weeks would alleviate a lot of the overtime costs. He approximated that the Borough "would save about \$3600 each summer for 4 summers."

M/S **SCOTT/LAPP** Motion to amend the main motion to include "provided the school board concurs."

The amendment carried unanimously.

The main motion carried unanimously on a roll call vote.

12. Reports Of Standing Committees/Commissions:

A. Government Affairs Committee

SCOTT said that the committee recommends that the Sales Tax resolution not be adopted at this time.

B. Government Services Committee

HARRELL said that the committee would like to see Lookout Park restored to a useful and aesthetically pleasing condition. One idea is to change the "problem wood area" to a concrete or grass base. Additionally, the committee received a small presentation by the skateboard group. This group is "very enthusiastic and actively involved." They want a 3-sided structure to keep things dry, and the committee wants to support that. Mayor **CASE** said that **BETTRIDGE** is working on the cost estimates.

C. Personnel Committee

LENDE reported that the committee decided to recommend that the 2-person negotiating team be composed of Mike **CASE** and Gregg **RICHMOND** alternating as one and Keith **BETTRIDGE** and Jane **SEBENS** alternating as the other. Mayor **CASE** said that **SEBENS** has cleared it with her senior partner. **BETTRIDGE** said that **RICHMOND** has agreed to donate 15 hours of non-CFO time to the Borough.

13. Reports Of Special Committees: None

14. Consideration Of Resolutions, Petitions And Memorials:

A. Resolution 03-08-030

A Resolution of the Assembly for the Haines Borough Setting Forth a Question for the Ratification of Certain Voters Within the Haines Borough Whether the Sales Tax Dedicated to Economic Development and Tourism Should Be Collected Borough Wide.

Mayor **CASE** suspended the rules to allow a motion to table.

M/S **LAPP/SCOTT** Motion to table the resolution indefinitely.

The Motion carried 4-1 with Schnabel opposed.

B. Resolution 03-08-031

A RESOLUTION OF THE BOROUGH ASSEMBLY OF THE HAINES BOROUGH, ALASKA, APPOINTING ELECTION OFFICIALS FOR THE REGULAR ELECTION TO BE HELD OCTOBER 7, 2003, AND ESTABLISHING WAGES FOR SAME.

M/S **HARRELL/LENDE** Motion to adopt the resolution as written.

Motion carried unanimously on a roll call vote.

15. Consideration Of Ordinances Proposed For Introduction: None

16. Correspondence: None

17. Old Business:

A. Tabled Ordinances

1. 03-08-025 - (tabled for text clarification)

An Ordinance Of The Haines Borough Clarifying The Requirements For A Commercial Passenger Vehicle Permit.

Status: Still under staff review with Borough Attorney

2. 03-08-028 - (tabled for rewording)

An Ordinance Of The Haines Borough Providing For An Exception To The Harbor Stall Waiting List When Justified in The Public Interest.

Status: Still under staff review

B. Tabled Requests

1. Request by Joseph Adamson to waive timely application for Senior Property Tax Exemption on behalf of Molly Adamson (deceased)

M/S **SCOTT/LENDE** motion to remove the request from the table.

The motion carried unanimously.

BETTRIDGE clarified the questions that the Assembly had during the previous meeting. The property has been exempt during several prior years. Molly had consistently filed for the exemption for many years and just failed to do it this year because of her illness. Once she passed away July 3rd, it became property of her estate. **ADAMSON** said that he is working through a non-will probate and that Alaska Legal Services is assisting him at this time. **BETTRIDGE** said that the outstanding taxes are for the current year; there are none past due. Mayor **CASE** asked for the amount of the tax bill. **ADAMSON** said that it equals two installments of \$813 each. The house is valued at \$134,750.

M/S **SCOTT/LAPP** Motion to waive timely application for 2003 Senior Property Tax Exemption on behalf of Molly Adamson and to approve it.

Motion carried on a roll call vote.

18. New Business:

A. Review of Tax Initiatives Information Flyer

CASE initiated the discussion by asking the Assembly for their "pleasure regarding communicating their position." He said that according to his understanding, if a position is not taken and only facts are printed it is not necessary to file with APOC (Alaska Public Offices Commission). **SCHNABEL** said that the flyer draft could easily be turned into a generic information sheet. **SCOTT** said that the Assembly is obviously trying to inform people to vote negatively and should plainly advertise that it is paid for by the Haines Borough Assembly. **BETTRIDGE** said that he would do further

research with APOC to make certain that the "generic information flyer" meets with their criteria.

The Assembly decided not to take a position on the tax cap initiative and to advertise/distribute factual information. However, it will be clarified with APOC and special meetings to appropriate funds will occur, if necessary.

19. Set Committee Meeting Dates:

20. Assembly Member Comments:

LENDE said he talked with the Rasmussen Foundation while they were in town for SE Conference, and they wanted to know what the community currently needs. He said that "Haines needs another project; the Assembly needs to come up with something to present to groups like that when they ask." **HARRELL** responded with "a senior assisted-living facility!"

LAPP said he thought the SE Conference was great and was able to attend a few of the meetings. He suggested that the Borough look into grant funding for improving the Chilkat Center facilities for future conferences.

SCOTT said that she has been talking to the local skateboarders. David **KNIGHT** at the school has offered to take on the building of a skateboard structure for his T&I class, and she said that perhaps "the Borough could fund that class activity or help develop the funding for it." **SCOTT** also said that another building the skateboarders are looking at is the old A&P building since it has a large cement floor.

21. Adjournment:

M/S **LENDE/LAPP** Motion to adjourn.

Motion carried unanimously.

The meeting was adjourned at 8:56 p.m.

Mike Case, Borough Mayor

ATTEST:

Julie Cozzi, Borough Clerk

S E A L: